

Delaware Department of Justice Launches Actual Innocence Project

DOJ initiative seeks to ensure that there are no persons serving time in Delaware prisons who have evidence that establishes their innocence.

Attorney General Matt Denn announced Friday that the Delaware Department of Justice has initiated an Actual Innocence Project, designed to ensure that there are no persons serving time in Delaware correctional facilities who have evidence that establishes their innocence.

The process will be overseen by DOJ's Office of Civil Rights and Public Trust, and will include participation from DOJ's Criminal Division and a Special Assistant Attorney General to be appointed from outside the Department of Justice. Former Delaware Supreme Court Justice Henry duPont Ridgely, who is now senior counsel at DLA Piper LLP (US), has agreed to serve on a volunteer basis as the first Special Assistant Attorney General to assist with the project. The ultimate decision as to whether to seek to reopen an inmate's criminal matter based on proof of his innocence will remain with the Department of Justice.

The Actual Innocence Project will consider petitions from inmates who are in possession of physical, scientific, or documentary evidence suggesting that they committed no criminal wrongdoing. This may include forensic evidence, audio or video evidence, electronic evidence such as e-mail or phone records, or other physical evidence. The Actual Innocence Project will not consider petitions based only on recantations or revisions of prior statements, or the production of new statements.

“Our prosecutors believe in justice,” Attorney General Denn said. “That means ensuring that people who have committed crimes are appropriately punished, and it means ensuring that people who have not committed crimes are not punished. The Actual Innocence Project is another tool for us to ensure that we are fulfilling that responsibility.”

“If even one person in prison is actually innocent of any crime, that is one person too many,” said former Justice Ridgely. “I look forward to helping the Department of Justice identify if that has happened so that justice may be done.”

The Actual Innocence Project is not designed to take the place of existing processes in Delaware such as the clemency process through the Board of Pardons, nor is it available to persons who claim that they were convicted of or pled guilty to a crime more serious than the one they actually committed. The Project is focused on persons who claim that they are serving jail time when they in fact committed no crime.

Read a full description of the [Actual Innocence Project](#). Persons may obtain the written materials needed to file a petition with the Actual Innocence Project on the Delaware Department of Justice website at attorneygeneral.delaware.gov/innocence.